

REMARKS

Reconsideration and withdrawal of the rejections set forth in the above-mentioned Office Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1, 2, 5-7, 9, 12, and 13 are now pending in this application. Claims 1 and 6 are independent. Claims 1, 2, 6, and 7 have been amended herein. Claims 10 and 11 have been cancelled without prejudice or disclaimer.

Support for the amendments to Claims 1 and 6 can be found in the specification at least at page 9, line 24 to page 10, line 7 with regard to the description of Figure 1 and 2 in comparison with Figures 3 and 4. Of course, the claims are not intended to be limited in scope to this preferred embodiment.

Claims 1, 2, 6 and 7 were rejected under 35 U.S.C. § 103 as being unpatentable over Japanese Laid-Open Patent Application No. 11-187212 (Yoshikawa) in view of U.S. Patent No. 6,975,435 (Maitani et al.). Claims 10 and 11 were rejected under 35 U.S.C. § 103 as being unpatentable over Yoshikawa in view of Maitani et al. and U.S. Patent No. 5,528,788 (Yamamoto et al.). Claims 5, 9, 12 and 13 were rejected under 35 U.S.C. § 103 as being unpatentable over Yoshikawa in view of Maitani et al. and Yamamoto et al.. These rejections are respectfully traversed.

Yoshikawa is directed to a recording apparatus in which a line scanner unit 19 can be moved to a retreat position such that it does not interfere with movement of the recording head, and a reading position. As understood by Applicant, line scanner unit 19 is located on the

opposite side of reference white board 20 relative to conveying plane L, and both move toward one another when the line scanner unit is to read a document. However, because the white board unit 20 is moved lower in the retreat position than in the reading position, Yoshikawa cannot be said to disclose or suggest moving a reading unit and a reference white board to a retreat position in which the influence of ambient light is reduced at least upon execution of prescanning, with the retreat position being relatively higher than a reading position, as is recited in independent Claims 1 and 6.

Thus, Yoshikawa fails to disclose or suggest important features of the present invention recited in the independent claims.

Maitani et al. describes an image reader having a light source 3a for reading documents and white boards A, B, C. The light source is movable to different positions to irradiate light to the white boards, but the white boards are not disclosed as being movable. In Maitani et al., the scanner section 3, including light source 3a and CCD 3c, appears to be located below original table 2. Maitani et al. also cannot be construed to disclose or suggest moving a reading unit and a reference white board to a retreat position in which the ambient light is reduced at least upon execution of prescanning, with the retreat position being relatively higher than the reading position. Thus, Maitani et al. fails to remedy the deficiencies of Yoshikawa noted above with respect to the independent claims.

Yamamoto et al. was cited for teaching sensors for detecting a sheet jam. However, Yamamoto et al. is not believed to remedy the deficiencies of the citations noted above with respect to the independent claims.

Thus, independent Claims 1 and 6 are patentable over the citations of record.

Reconsideration and withdrawal of the § 103 rejections are respectfully requested.

For the foregoing reasons, Applicants respectfully submit that the present invention is patentably defined by independent Claims 1 and 6. Dependent Claims 2, 5, 7, 9, 12 and 13 are also allowable, in their own right, for defining features of the present invention in addition to those recited in their respective independent claims. Individual consideration of the dependent claims is requested.

This Amendment After Final Rejection is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. This Amendment was not earlier presented because Applicants earnestly believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment under 37 CFR 1.116 is respectfully requested.

Applicant respectfully submits that the present invention is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action, and an early Notice of Allowability are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Mark A. Williamson/

Mark A. Williamson
Attorney for Applicant
Registration No. 33,628

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
MAW:yt

FCHS_WS 3463601vt